

TEWKSBURY Board of Health
Minutes
October 03, 2013

T804
11/7/13
TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA
13 NOV -8 PM 1:32

Exhibit 8

Call of Meeting to Order

Mr. French called the meeting to order at 7:00 PM.

The meeting was held at the Tewksbury Town Hall. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Christine Kinnon, Kathleen Brothers, Ray Barry and Health Director Lou-Ann Clement.

Public Hearings

Permit and Variance for the Tewksbury Board of Health Regulations for Keeping Animals Located at 50 Starr Ave, Tewksbury, Mr. John Gardner

MOTION - Ms. Brothers made a motion to open the public hearing for 50 Starr Avenue. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Mr. French read the legal notice.

John Gardner appeared for the public hearing. Mr. Gardner stated that a friend of his had chickens that he no longer wanted. He has a seven-year-old son who wanted to take care of the chickens. They currently have four and he would like to add six more for a total of ten chickens so his son can collect eggs. Mr. Gardner spoke with his neighbors and they have no problem with the chickens.

Ms. Clement handed out documents tonight. They include her director's report, assessor documentation and two inspections reports, one from Animal Inspector Pam Thomas and one from her. Ms. Clement stated that this property has a single-family home on 1.1 acres of land. This is in a residential zone.

Ms. Clement stated that Mr. Gardner submitted an application on September 11, 2013. On September 26, 2013 Ms. Thomas preformed an inspection. The inspection showed that there are four healthy chickens, the coop is secure, safe and clean and all the animals are well cared for. Ms. Clement stated that she also inspected the property on October 1, 2013. The distance of the coop to the abutter at 40 Starr Ave is only 80' and the regulations require 100' so a variance is needed. The chicken feed is stored in a sealed container in the garage and the manure is stored in a trash can and taken to BMC. The area is clean and there is no imminent health hazard.

Ms. Clement spoke with Ms. Thomas and they both agree the increase of chickens to ten would be ok. The coop is adequate to handle ten chickens but the outside enclosed exercise area needs to be increased. Ms. Clement added that conservation had no issue with the location and she has not heard from the building department.

Ms. Kinnon stated that there is a notarized letter from Mr. Ciampa in our package. The letter states that he is the owner of the property and he is in favor of the variance and permit and. Mr. Gardner stated that Mr. Ciampa is his father-in-law.

Ms. Brothers asked if the abutters have been notified. Ms. Clement replied yes. Some neighbors have come into the office to look at the package and ask questions. Some were concerned with having a rooster and when it was explained that roosters are prohibited they were satisfied.

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MOTION - Mr. Roux made a motion to approve the requested variance as requested. The motion was seconded by Mr. Barry and unanimously voted 5-0.

MOTION - Mr. Roux made a motion to approve the animal permit to keep up to 10 chickens at 50 Starr Avenue. The motion was seconded by Mr. Barry and unanimously voted 5-0.

MOTION - Ms. Brothers made a motion to close the public hearing. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Mr. French reminded Mr. Gardner to notify the office if anything changes with the animals.

Mr. Gardner stated that he would notify the office when he gets the extra chickens. Ms. Clement stated that Mr. Gardner should call the office and move forward with the permit application.

New Business

Results of the Recent Tobacco Control Compliance Checks

Ms. Clement stated that during the last compliance check there were two sales to minors. Both establishments were sent letters and tickets were issued. She has not had any responses yet from the establishments. Ms. Clement added that during the compliance check previous to this one, there was only one sale.

Mr. French asked if the two establishments are repeat offenders. Ms. Clement replied no, they are first offenders.

Ms. Clement added that the Federal Government has also been doing compliance checks and they have recently come to Tewksbury but she does not get the results.

Mr. Barry asked if during the compliance checks are all establishments checked. Ms. Clement replied yes, all establishments are checked.

Approval of Minutes – July 18, 2013 and August 15, 2013

Ms. Kinnon stated that on the July 18, 2013 minutes, page 4, 1st paragraph, 3rd sentence, should read, "They are on a six month..."

Ms. Brothers stated that on the August 15, 2013 minutes in the opening paragraph, it says "Mr. Brothers" made the motion and that should be "Ms. Brothers". Also her name is used for seconding the motion. Ms. Clement stated that she would look at who made and seconded the motion and make amendment as needed.

Mr. Barry stated that on the August 15, 2013 minutes, page 3, 1st paragraph, 5th line; change from "100 lb." to "100 gallon". In the next paragraph, change from "1,500 external grease trap" to "1,500 gallon external grease tank". On page 4, under Tewksbury CARES, change "Officer Walsh" to "Officer Welch".

MOTION - Ms. Kinnon made a motion to approve the Board of Health minutes of July 18, 2013 and August 15, 2013 as amended. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

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Old Business

Medical Marijuana Information

Ms. Clement stated that she attended a Mass Health Officers meeting on September 19, 2013 that discussed medical marijuana. A lot of information was given out and there are still some loopholes that need to be addressed and a lot of questions that still need to be answered. The good news is that the State will be creating some policies and guidelines. Ms. Clement stated that the local Board of Health would have no jurisdiction over card distribution, dispensaries or household hardships. One of the policies that the State is working on how a hardship is determined as well as how to relate the 10 oz allowed for home growing to number of plants.

Ms. Clement stated that there are 158 dispensary applications that are eligible to go to Phase II. This list is on the State website. There are quite a few in Middlesex and Essex counties. Phase I application fee is \$1,500 while Phase II is \$30,000 with a \$50,000 annual fee. The fees will be used toward medical marijuana administration and for inspectors.

Mr. Barry stated that the names are posted on the website but it didn't mention the Phase II date. Ms. Clement replied that no dates for Phase II have been posted yet.

Ms. Clement stated that they also discussed hardship cases. There cannot be any medical marijuana hardships in federally funded housing. Also, if a property owner does not want to allow medical marijuana on his/her property then he/she can refuse a renter to grow or smoke it in the house.

Mr. Barry asked how someone who applies for a hardship can afford the required security. Ms. Clement replied that cameras are not required for a hardship home case but they will be required to have some type of fence to prevent access to the marijuana.

Mr. French asked if there has to be a dispensary in each county. Ms. Clement replied that if no one applies in that county then they would be safe. There are counties that do not have any applications applied for.

Mr. Barry stated that the regulations say that in the first year, there cannot be more than five dispensaries per county but what happens after the first year. Ms. Clement stated that the State did not answer that questions but she would guess that there could be an increase if the need requires them.

Board Member Reports

Mr. Barry stated that on Saturday he attended a training that was sponsored by Mass Bike. This was training for the Bicycle Pedestrian Advisory Council (BPAC). They were very informative and they learned about the rail and trail project and promoting healthy exercise.

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Other Business

There was no other business.

Announcements

Drug Awareness Week

Ms. Clement stated that there are several activities scheduled for the drug awareness week. Officer Welch has worked on getting neighborhood towns together and has included notification of events to each town. The upcoming events include:


- October 10th, Behind Closed Doors at Chelmsford High School from 7:00 to 9:00 PM
- October 20th – 26th, Tewksbury Drug Awareness Week.
- October 20th, 2nd Annual Vigil @ Tewksbury State Hospital 6:30 PM
- October 23rd, Drug Awareness Nigh at Tewksbury High School at 7:00 PM
- October 24th, The Anonymous People at Tewksbury High School at 6:30 PM

Ms. Clement stated that during the week there will be activities in each school and there will be senior activities.

Ms. Clement stated that the annual Flu and Pneumonia Clinic would be held on November 13, 2013 at the Senior Center from 9:00 to 11:00 AM. This is open to Tewksbury residents over the age of 50. They should bring their insurance cards.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 7:36 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Approved: _____


Raymond Barry, Clerk

TEWKSBURY BOARD OF HEALTH MEETING

List of Documents for October 3, 2013

Documents can be located at the Board of Health's Office

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA
13 NOV -8 PM 1:33

Meeting Called To Order:

Public Hearing(s): 'Keeping of Animals at 50 Starr Ave, Applicant John Gardner

Exhibit 1: Vision Government Solutions 50 Starr Ave

Exhibit 2: Legal Notice

Exhibit 3: TBOH Hearing Application package - 10 Pages

Exhibit 4: Inspection report dated Sept 26, 2013 - 2 double sided pages

Exhibit 5: Inspection report dated October 1, 2013 2 double sided pages

Exhibit 6: Director's Report

New Business

Results of Tobacco Control Compliance Checks

Exhibit 7: Letter to Abut's Liquors 1768 Main St dated September 23, 2013

Exhibit 8: Letter to Mobil 1785 Andover St dated September 23, 2013

Approval of Minutes of:

Exhibit 9: 18-Jul-13

Exhibit 10: 15-Aug-13

Board Members Reports

Other Business

Exhibit 11: "Presentation dated Sept 19, 2013 for MHOA regarding Medical Marijuana

Announcements

Behind Closed Doors - Flyer

Tewksbury Drug Awareness Week Press Release

Event Announcement - 2nd Annual Vigil Announcement

Drug Awareness Night - Flyer

The Anonymous People Flyer

Tewksbury Overdose Vigil - Flyer

Tewksbury Flu Clinic - Flyer

Adjourn

COMMONWEALTH OF MASSACHUSETTS
TEWKSBURY BOARD OF HEALTH
Tewksbury, Massachusetts

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA
13 OCT 28 AM 11:55

NOTICE OF DECISION

RE: Tewksbury Board of Health Regulations for Keeping Animals
PERMIT Required under Section 5.0 PERMIT to have chickens within the Town of Tewksbury
VARIANCE required for Section 6.16 for Abutting Dwelling and Shelter
APPLICANT: John Gardner of 50 Starr Avenue Tewksbury MA 01876
OWNER: Marco Giampa; TR of Giampa Family Recov Trust of 50 Starr Ave Tewksbury MA
LOCATION: 50 Starr Avenue, Tewksbury MA Map 101 lot 6

The Tewksbury Board of Health (TBOH) at a noticed public hearing voted on October 3, 2013 to approve the requested permit to keep animals on the property known as 50 Starr Avenue, Tewksbury, Massachusetts, and to allow a variance of 83 feet between the coop and the abutting dwelling in lieu of the required 200 feet.

I. History of the Case

50 Starr Avenue is a single family home owned by Marco Giampa, Trustee, sitting on 1.01 acres in a Residential 40 district previously called RG.

On September 11, 2013, Mr. John Gardner submitted an application for a Tewksbury Board of Health (TBOH) public hearing to obtain a permit to keep chickens at 50 Starr Ave Tewksbury MA.

The property owner, Mr. Marco Giampa, Trustee submitted written approval for the keeping of chickens at this location.

A public hearing was scheduled for October 3, 2013 at 7:00 PM in the Auditorium, Town Hall 1009 Main Street, Tewksbury, MA.

On September 26, 2013, Tewksbury Animal Inspector performed an inspection. Results of inspection are as follows:

- o There are four healthy chickens on site,
- o The coop is fantastic, safe, secure, and clean,
- o All animals are well cared for.
- o There is a possibility that some day they would like 10 chickens
- o All looks good

On October 1, 2013, Tewksbury Health Director performed an inspection. Inspection results are as follows:

- o Section 6.1: The distance between the coop and the abutting dwelling -40 Starr Ave is approximately 83' and the TBOH regulation requires a minimum distance of 200'.
- o The Feed is stored in a metal barrel in the garage,
- o The manure is placed into a container and transported to BMC; no manure is stored on site.
- o Over all the coop and area are in clean and sanitary conditions.

II. Summary of Hearing Procedure

The TBOH opened the public hearing in the Auditorium of the Town Hall on Thursday, October 3, 2013 at 7:00 P.M.

At this public hearing, the TBOH *unanimously* voted to grant: (1) a permit to keep up to 10 chickens; and (2) a variance for 83 Feet in lieu of the minimum 200 feet abutters' distance.

A quorum was met throughout the process and thereafter, the TBOH by *unanimous vote of 5-0* approved the permit with the following conditions: (1) up to 10 chickens, with the condition that the owner notify the TBOH should he increase the number of chickens on the date of this hearing (4); and (2) variance for the distance of the chicken coop from 200 feet to 83 feet from existing abutting dwellings.

The TBOH closed the public hearing.

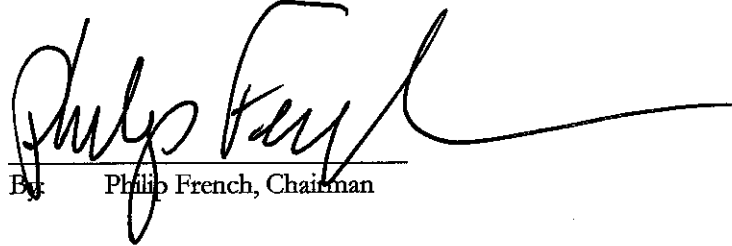
III. Finding of Facts

On October 3, 2013, the Tewksbury Board of Health found that the approval of this permit, with its conditions, does not create an imminent Public Health Hazard.

IV. Decision

The TBOH, therefore, grants a permit with the following conditions: (1) up to 10 chickens; and to notify the TBOH should the present amount of four (4) be increased; and (2) to grant a variance for the distance between the coop and the abutting dwelling is 83 feet, in lieu of the required 200 feet.

TEWKSBURY BOARD OF HEALTH


By: Philip French, Chairman

13 OCT 28 AM 11:55
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